Court No.1

Criminal Revision No.937 of 2001

Devendra Sharma & 5 Ors. .....Revisionists.

Versus

State of Uttaranchal & Anr. .....Opp.parties.

Hon'ble P.C. Verma,J.

This revision has been filed by the applicants against order dated 28.9.2001 passed by Additional Sessions Judge III/Fast Track Court, Dehradun in Sessions Trial No.27 of 1997, by which application moved by the revisionists under Section 311 of Criminal Procedure Code, has been rejected by him on the ground that the provisions of Sec.311 Cri.P.C. are not meant to summon the witnesses of either party to fill the lacuna left by them.

A perusal of Sec.311 Cri.P.C. shows that it provides re-examination of witnesses already examined. Here in the present case also the revisionists moved application for re-examination of the witness, who had already examined.

Thus, the reasoning given by the learned Additional Sessions Judge/III Fast Track Court, Dehradun, rejecting the application on the ground that the provisions of Sec.311 Cri.P.C. does not mean to summon the witnesses of either party to fill the lacuna is contrary to the provisions of Sec.311 Cri.P.C. Therefore, the order is liable to be quashed.

The revision is allowed. The order dated 28.9.2001 is quashed. Application 120-Kha

is allowed. P.W.3 Smt. Dhanwanti Devi, P.W.4 Rajesh and P.W.5 Ravi Kant shall be summoned for re-examination so that true and correct fact may come.

(P.C. Verma, J.)

10.10.2001
P.Singh